

**King County Board of Health  
Secure Medicine Return  
MINUTES**

**April 26, 2013**

**10:30 AM – 12:00 PM**

**Location:** Chinook Building, 401 Fifth Avenue, Seattle, Room 1312, 13<sup>th</sup> Floor

**Sub Committee Members Present:** Chair Joe McDermott, Board of Health members David Baker, Richard Conlin, and Public Health Director Dr. David Fleming

**Staff Present:** Amy Eiden, Jennifer Muhm, Margaret Shield, Erik Sund, Amy Tsai, Roman Welyczko, Maria Wood

**Observers Present:** Helen Baker St. John, League of Women Voters; Tim Layton, Genentech; Suellen Mele, Zero Waste Washington; Lisa R. Hart, King County Nurses Association; Inga Manskopf, King County Take Back Your Meds Coalition; Stella Chao, Public Health; Deanne Calvert, Sanofi; Tim Croll, Seattle Public Utilities

Time	Agenda Item
10:30	Introductions – Chair McDermott
10:35	The minutes from the March 14, 2013 Subcommittee meeting were approved.
10:40	<p>Review draft Rule and Regulation – Dr. Margaret Shield, Amy Eiden, PAO, Roman Welyczko, Maria Wood</p> <p>1. Overview of document</p> <p>a. <u>Summary of changes</u> – Dr. Shield pointed the subcommittee members to the first page of the working draft that summarizes subcommittee requested changes and technical changes made to the previous draft (dated March 12, 2013)</p> <p>b. Additional anticipated changes</p> <p>1) <u>Title for the new chapter</u> – Ms. Wood reported that staff will consult with the King County Clerk and Code Reviser on the best placement for the R&amp;R in the Board of Health Code.</p> <p>2) <u>Amending BOH code for Local Hazardous Waste Management Program (LHWMP) responsibilities</u> – Ms. Eiden reported that language will be added to BOH Title 2.08 describing LHWMP’s relationship to the Secure Medicine Return program. Subcommittee requested to review language prior to its inclusion as an additional section in the next draft R&amp;R.</p> <p>3) <u>Technical corrections</u> – Staff will continue to catch technical errors, such as subsection numbering errors in the April 19<sup>th</sup> draft, and improve language for clarity.</p> <p>2. Specific policy review</p> <p>a. <u>Producer participation requirements (Sec. 6)</u> – Subcommittee members discussed various timing issues with implementation. Dr. Shield pointed to additions to Sec. 6.E.2. requiring notification of potential collectors. Dr. Fleming noted that 6.E.2. requires producers to provide information about collection policies and protocols prior to the review of those policies and protocols as part of the stewardship plan, and stated interest in ensuring information provided to potential collectors is not subject to change, which would require pre-review by the director. The Subcommittee agreed that this provision should be modified and staff will</p>

develop a correction.

Discussion on the notification of potential collectors led to discussion of the provision in Section 8.D. that producers must include as collectors any retail pharmacy or law enforcement agency that volunteers to serve as a drop-off site. Boardmember Baker noted that this requirement does not define a time frame, and suggested that a deadline be established. The Subcommittee agreed and directed staff to add language requiring that such collectors must be included in the product stewardship plan or in the operating stewardship program within three months of volunteering to participate.

In Sec. 6.E.4. the requirement that producers operate or participate in a stewardship plan “no later than eighteen months after this rule is adopted” was reviewed in the context of the overall timing of plan review and plan resubmission in the draft R&R. Dr. Shield referred to a staff overview of that timing, see handout titled “Plan Submission and Plan Review Timing in the April 19 Draft Rule & Regulation”. This handout outlines the provision in Section 14.E.1. that “the director” may impose changes to the standard stewardship plan if the revised stewardship plan is rejected. The Subcommittee agreed that the phrase “or no later than eighteen months after this rule is adopted” should be deleted from 6.E.4. as it is no longer needed, and potentially conflicts with timing of the process. The requirement that stewardship plans must begin operations within three months after the director’s approval is retained. During review of the handout, Dr. Shield also asked the Subcommittee to review the waiting period of six months defined in Section 14.E.2. before producers whose revised independent plan has been rejected may submit a new independent plan. The Subcommittee approved the six month time period.

b. Stewardship plans:

1) Components (Sec. 7): Dr. Shield reviewed requested changes from previous draft (March 12, 2013) that add requirements to report all potential collectors notified of opportunity to participate and those collectors who offered to participate. Changes approved.

2) Review (Sec. 14): Dr. Shield noted language added in 8.E. to clarify the review processes for the standard and independent plans. Changes were approved as written. Subcommittee members discussed the question if more than one plan is proposed by producers, who decides which is the standard plan? It was determined that the director is authorized to decide and approve a plan as a standard plan. (See notes above for approval of timing in Sec. 14.E.2.)

3) Changes (Sec. 15): Dr. Shield described requested changes that make it clear that only changes that “substantively alter” the plan are required to be approved by the director. Those changes were approved, and staff noted that oversight of the program would be facilitated if producers were required to notify “the director” of non-substantive changes to collection sites or methods. Boardmember Conlin requested that staff add language that non-substantive changes must be reported 15 days prior to implementation, but do not require review and approval by “the director”.

c. Collection system requirements (Sec. 8 and other sections)

1) Types of collectors for drop-off sites (Sec. 8.A.) Dr. Shield pointed to a requested change that adds “other entities” as possible collectors. Change approved. Sec. 8.B. – Dr. Fleming suggested that “ongoing basis” might not be clear enough.

	<p>2) <u>Convenience standard (Sec. 8.D. and 8.E.):</u> Dr. Shield described the challenge of coming up with a measurable convenience standard that works for all parts of King County and explained staff's rationale for. Subcommittee members discussed aspects of the language, and expressed interest in clarifying that 8.E.1. defines a minimum standard for the number of drop-off sites and in addressing service to unincorporated areas more specifically. Dr. Shield proposed a reorganization of this portion of Sec. 8 to make it clear that provisions in both 8.D. and 8.E. constitute the "service convenience goal", see attached. The reorganized language also adds "unincorporated community service areas" to the minimum requirements for numbers of drop-off sites in "cities and towns with a pharmacy or law enforcement facility". The subcommittee approved the reorganized language, with one change to proposed Sec.8.D.2. to replace "a minimum of" for "at least". (see <a href="http://www.kingcounty.gov/exec/community-service-areas.aspx">http://www.kingcounty.gov/exec/community-service-areas.aspx</a> for more information on unincorporated King County community service areas.)</p> <p>3) Periodic collection events (Sec. 8.G.): For this section the term "periodic" is acceptable to describe the frequency of collection events as it gives flexibility to scale for the needs of the community, and "the director" has discretion to approve the proposed frequency of any collection events.</p> <p>4) <u>Drop box responsibilities (Sec. 11):</u> Boardmember Baker brought forth recommended changes from the LHWMP Management Coordinating Committee, attached, restricting LHWMP's responsibility to the purchase of up to 400 secure drop boxes for the standard stewardship plan and clarifying other responsibilities related to drop boxes. These changes were accepted with minor word changes in Sec.11.A.2. "Costs of ongoing maintenance, <u>or replacement</u> of secure drop boxes." In addition, staff will determine best wording and placement to add language clarifying that producers are responsible for purchases of any drop boxes in addition to the 400 purchased An email from Zero Waste Washington commenting on the issue of drop box responsibility, attached, was acknowledged.</p> <p>d. <u>Promotion requirements (Sec. 9)</u> Dr. Shield pointed to language added to Sec.9.3 on use of "plain language and explanatory images" in promotional materials. Changes approved.</p> <p>e. <u>Annual report requirements (Sec. 12)</u> Subcommittee approved reporting requirements section as written.</p> <p>f. Other items for review – None</p>
11:35	<p>Next steps</p> <ul style="list-style-type: none"> <li>• Chair McDermott requested that the draft including changes discussed today be available via email for final Subcommittee review prior to being made publicly available on May 9.</li> <li>• Public Hearing on the draft R&amp;R scheduled for the regular Board of Health meeting on May 16, 2013.</li> <li>• Next Subcommittee meeting scheduled on May 17 to give staff direction based on hearing testimony on what to include in the draft that will be</li> </ul>

	<p>proposed for a vote.</p> <ul style="list-style-type: none"> <li>• Additional Subcommittee meeting scheduled on June 20, 12-1:30 in the KC Council Chambers.</li> </ul>
11:40	<p>Executive Session – subcommittee members and staff only  Convened at 11:46AM, adjourned at 12:03</p>
12:04	<p>Adjourn</p> <p>Next meetings: May 17, 2013, 10:30 AM -12PM, Chinook Building, 2<sup>nd</sup> Fl.</p>